

State of New Mexico
Environmental Improvement Board

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Gary E. Johnson
Governor

STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
MINUTES OF THE REGULAR MEETING OF
April 13, 2001

Chairperson Jimi Gadzia called the regular meeting of the Environmental Improvement Board to order at approximately 9:30 a.m., at the City County Government Center, One Civic Plaza, 9th Floor, Room 9081, Albuquerque, New Mexico.

Members Present

Jimi Gadzia, Chair
Dr. Hilary Noskin,
David Salopek, Secretary
Dr. Abbas Ghassimi
Cynthia Mojtabai

Others present

Patrick Simpson	EIB Attorney
Maria Voyles	EIB Administrator
Eric Ames	NMED/OGC
Louis Rose	Montgomery & Andrews
R.C. Cudney	ESI
Sandra Ely	NMED
Gail Cooke	NMED
Jennifer Taylor	NMPIRG
Deborah Seligman	NMOGA
Eduardo V. Pineda	CRCAW/CORRALES
Hugh W. Church	ALA/NM

Introduction of new member, Cynthia Mojtabai.

Item 1 - Approval of the Agenda

Mr. Salopek moved to approve the agenda. Dr. Noskin seconded the motion. The motion passed unanimously.

Item 2 - Approval of the Minutes of the January 12, 2001, and February 9, 2001, meetings.

Jimi Gadzia moved to approve the minutes of the January 12, 2001, meeting. Mr. Salopek seconded the motion. The motion passed unanimously.

Mr. Salopek moved to approve the minutes of the February 9, 2001, meeting. Dr. Noskin seconded the motion. The motion passed unanimously.

Introduction of new member, Dr. Abbas Ghassimi.

Item 3 – Discussion and action on relocation future Environmental Improvement Board meetings from Santa Fe, New Mexico to Albuquerque, New Mexico.

Ms. Gadzia stated that she would like to hold the meetings in Albuquerque, New Mexico. She also recommended that the matter be handled case by case.

Dr. Noskin stated that she would like to hold meetings in locations other than Santa Fe occasionally.

Mr. Ames stated that his concern is not with the adequacy of funding employee travel to Albuquerque for hearings. His concern is that holding all hearings in Albuquerque may leave any decisions open for Appeal.

Mr. Simpson stated the according to the regulations, hearings with statewide applications should be held in Santa Fe, New Mexico. Hearings that affect a certain area should be held in that area. As far as he knows, none of the decisions have been appealed.

The Board decided not to take any action at this time. They will continue to handle it case by case basis.

Item 4 – Discussion and setting of hearing on ALESCA Company’s appeal from the Environment Department’s decision on Air Quality Permit No. 2489.

Mr. Ames stated that the hearing is no longer needed. The Department withdrew permit No. 2489. The Air Quality Bureau did not have the authority to enforce Subpart EEE. The Department will issue a new permit without Subpart EEE. The Department advised ALESCA that the Hazardous Material Bureau has that authority. ALESCA will have to obtain a permit from Hazardous Waste Bureau.

No action required at this time.

Item 5 – Discussion and action on the Order Granting Joint Motion for Further Stay of the Proceedings in the matter of the application for Air Quality Permit No. 195-M-11, Navajo Refining Company.

Mr. Rose, attorney with Montgomery and Andrews, representing Navajo Refining Company discussed this matter with Mr. Ames. Mr. Rose requested another stay of the matter stating that it is premature to respond to dispositive motions.

Ms. Mojtabai moved to grant the extension. Mr. Salopek seconded the motion. The motion passed unanimously.

Item 6 – Discussion and action on New Mexico Environment Department’s request for hearing on proposed new regulation 20.7.11 NMAC, Liquid Waste Treatment and Disposal Fees.

Ms. Williams, Chief of the Community Services Bureau, requested that the hearing be set for the July 13, 2001, meeting. The technical and fee portions have been decoupled. The technical portion of this matter will be postponed indefinitely.

Dr. Noskin moved to hold a hearing on the proposed regulation 20.7.11 at the July 13, 2001, meeting in Albuquerque, New Mexico. Ms. Mojtabai seconded the motion. The motion passed unanimously.

Item 7 – Discussion and action on rehearing of Occupational Health and Safety regulations consistent with the open meetings act.

Mr. Chris Mechels did not appear. Mr. Simpson stated that it was up to the Board if they wanted to deal with it at this time.

Mr. Ames stated that the Board did not have to take any action at this time. Mr. Mechels could have filed a timely appeal if he did not agree with the Board's decision. The violation of the Open Meetings Act was minor and did not have any affect on the regulation.

Jimi Gadzia moved to ratify Dr. Noskin's vote of favor, which was telephonic. Mr. Salopek seconded the motion. The motion passed unanimously.

Item 8 – Other business.

Dr. Noskin would like a legislative update at the next meeting or at a subsequent meeting.

Mr. Ames stated that he would inform Mr. Najima of the request.

Item 9 – Next meeting.

Ms. Gadzia moved to hold a hearing on proposed amendments to 20 NMAC 2.7 –Construction Permits, 2.74 – Permits, and 2.79 – Permits Nonattainment Areas, Environment Department, Industry Working Group and Conservation Voters Alliance, on June 7, 2001, at 10:30 am and the next meeting will be on June 8, 2001, at 9:30 am. They will both be held at the Roundhouse in room 317.

Item 10 –Continuation of the hearing to consider proposed amendments to 20 NMAC 2.7 –Construction Permits, 2.74 – Permits, and 2.79 – Permits Nonattainment Areas, Environment Department, Industry Working Group and Conservation Voters Alliance, Petitioners.

Dr. Noskin moved to appoint Mr. Patrick Simpson as the Hearing Officer for the hearing on 20 NMAC 2.7 –Construction Permits, 2.74 – Permits, and 2.79 – Permits Nonattainment Areas.

Mr. Salopek seconded the motion. The motion passed unanimously. A court reporter will be contracted.

Ms. Mojtabai moved to adjourn the meeting. Mr. Salopek seconded the motion. The motion passed unanimously.

Jimi Gadzia, Chair

David Salopek, Secretary